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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-second session

Summary record (partial)* of the 277th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 April 2015, at 3 p.m.

Chairperson: Mr. Carrión Mena

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3.50 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Uganda (CMW/C/UGA/1; CMW/C/UGA/QPR/1)

1. *At the invitation of the Chairperson, the delegation of Uganda took places at the Committee table.*

2. **Mr. Onyanga Aparr** (Uganda), introducing his country's report (CMW/C/UGA/1), said that migration patterns in Uganda were affected by social, political and economic factors at the national and regional levels, and that the number of Ugandan migrant workers was increasing. Uganda was a member of the East African Community Common Market and had adopted its annexes on the free movement of persons and of workers. Foreign migrants in Uganda were mostly refugees from nearby countries or persons seeking employment, and, while some migrant workers in Uganda benefited from better pay and conditions than their Ugandan counterparts, others were victims of trafficking and suffered poor conditions. However, a lack of information impeded the regulation of the flow of immigrants and their treatment. The number of Ugandans residing abroad was increasing steadily; most lived in other African countries, with Kenya the most popular destination. However, statistics did not include temporary migrant workers, meaning that the true figures might be much higher.

3. Internal migrants represented approximately 6 per cent of the population, and more than half resided in the Central region. The majority were under the age of 30, with a significant number under the age of 15. Internal migration was motivated by a range of factors, including better economic opportunities, and was vital in particular to the livelihood of the Karamojong people, who had been forced to migrate to urban areas following a series of environmental, political and economic shocks, and whose children were increasingly trafficked. In other areas, internal displacement had been caused by natural disasters but was decreasing thanks to the end of the war in northern Uganda and efforts to reintegrate displaced persons.

4. Remittances represented almost 6 per cent of the country's GDP, and almost 70 per cent of that income was spent on household consumption, including education. While migration had positive effects — for example, it gave migrants greater food security, met labour needs and contributed to the economies of countries of origin through remittances, return migration and the transfer of knowledge and skills — it also increased migrants' vulnerability and the spread of disease.

5. The number of Ugandan migrant workers would continue to rise, especially if Uganda signed bilateral agreements with countries that recruited migrant workers. Ugandans would therefore remain vulnerable to trafficking in persons unless the Government made concerted efforts to manage migration and develop assistance networks abroad. Internal and irregular migration were also expected to rise.

6. In order to protect the rights of migrant workers, Uganda had ratified a number of international instruments and incorporated their provisions into laws such as the Citizenship and Immigration Control Act and the Prevention of Trafficking in Persons Act. That legislation was enforced by various bodies, including the Human Rights Commission and the Equal Opportunities Commission. However, statistics on migration were lacking, and data were not always made available for analysis or disaggregated by sex or age. Consulates did not gather data, thus impeding understanding of Ugandans' migration patterns. Household surveys on migration were not carried out, and the country's information systems did not include migration indicators.

7. Private recruitment agencies were increasingly involved in migration and required effective oversight so that the rights of migrant workers could be protected. There had been numerous reports of rights violations by agencies, including the confiscation of passports and the misrepresentation of employment opportunities. Additionally, some agencies routinely administered HIV/AIDS and pregnancy tests, breaching internationally recognized standards. While there were growing numbers of migrants in an irregular situation in Uganda, the nature of that migration meant that their rights could not be protected effectively.

8. **Mr. Taghizadeh** requested clarifications concerning the extent to which the provisions of the Convention were being implemented in theory and in practice. For instance, he wished to know whether courts directly invoked the Convention when adopting judicial decisions. Noting that the State party had entered a reservation with regard to article 18 of the Convention to the effect that it could not guarantee free legal assistance for migrant workers, he asked whether there were other areas in which the State party was not fulfilling its obligations under the Convention. He requested additional statistics on migratory flows inside and outside Uganda – for example, on the number of Ugandan migrant workers and their main destination countries, the dynamics of such migratory flows, and on the countries to and from which migrant workers passing through Uganda travelled. With regard to the safeguarding of the rights of Ugandan migrant workers, he asked whether there was a database of Ugandan nationals living abroad, whether they had access to consular services, whether they were able to vote in Ugandan elections, and whether mechanisms were in place to inform Ugandan migrant workers of their rights under the Convention. He requested specific data on any such mechanisms and their impact.

9. **Mr. Brillantes** requested an update on the status of the national policies on migration, immigrants and the diaspora and asked whether they were in line with the Convention. He asked what steps were being taken to stem the increase in the number of migrant workers in an irregular situation in Uganda.

10. Referring to reports that Uganda was recruiting health workers to send to Trinidad and Tobago even though the number of nurses and doctors in Uganda was already below the minimum threshold established by World Health Organization guidelines, he asked why the State party was encouraging such a brain drain when it violated the right to health of Ugandan nationals, and when the Institute of Public Policy Research in Uganda was seeking a court order to halt such measures.

11. He enquired whether the Anti-Homosexuality Act endangered homosexual foreign migrant workers in Uganda and homosexual Ugandan nationals abroad. He said that it was troubling that NGOs had not participated in the preparation of the report. He asked which ministries had been involved in its preparation.

12. He asked whether training on the principles of the Convention had been offered to relevant stakeholders in the Ugandan Government and whether its text had been disseminated to them.

13. He enquired whether migrant workers were free to join trade unions. He said that the Committee would appreciate information on the role of recruitment agencies, as there were reports of such agencies' facilitating human trafficking, sexual exploitation and abusive working conditions.

14. **Ms. Ladjel** said that the Ugandan indicators for life expectancy, unemployment, poverty and illiteracy did not reflect the State party's investment in those areas. For instance, articles 30 and 45 of the Convention obliged States parties to offer education services to migrants and their family members on an equal basis with nationals, but she wondered if that was being done, given the high illiteracy rate in Uganda. She asked whether those responsible for applying the provisions of the Convention received training

in its contents. She enquired whether the Children Act was the law commonly referred to as the Children's Code.

15. **Mr. Tall** asked whether there had been any cases of collective expulsion from Uganda in the previous five years and, if so, under what circumstances they had taken place. He said that, in the light of the unrest in the region around Uganda, the Committee would appreciate information on cases of torture and violence; on complaints by migrant workers regarding torture, violence, corruption and extortion by police or military authorities; on how such complaints were addressed; on whether perpetrators had been brought to justice; on registered deaths as a result of such violence; and on whether such cases had been appropriately investigated and punishments handed down as needed. He asked what concrete measures had been taken to guarantee equality of social security for all persons regardless of their migrant status, whether migrant workers in an irregular situation were able to join trade unions, what was done to disseminate the Convention and train government employees such as border and security officials and judicial workers in its application, and what specific training events had been organized for that purpose.

16. **Mr. Pime** asked what impact the State party's membership in the East African Community Protocol on the Free Movement of Persons and Labour had on the management of migration issues in the State party. With regard to cooperation, he enquired whether the Ugandan Government worked with civil society organizations concerned with migration, particularly when negotiating and concluding agreements with other countries. He said that the Committee would also appreciate information on private recruitment agencies, including the laws and regulations governing them, the modalities for issuing and renewing their licences, complaints registered against them, inspections conducted and any penalties imposed. The delegation should comment on allegations that some agencies were involved in the trafficking and sexual exploitation of migrant workers. The delegation might also comment on what the State party was doing to minimize difficulties related to migration and to inform foreign migrant workers in Uganda and Ugandan nationals working abroad of their rights under the Convention.

17. **Mr. Haque** said that, in view of the State party's membership in the East African Community Common Market, he would like to know how the Government ensured that migrants from member States and those from other States received the same treatment, and whether membership presented a challenge for Uganda in implementing certain provisions of the Convention. He asked whether informal flows of remittances had been taken into account in calculating figures for remittances to Uganda, and how the Government encouraged the economically productive use of remittances. He asked for more information on national legislation directly related to the implementation of the Convention and enquired whether that legislation distinguished between nationals and foreigners. He requested information on the involvement of civil society in the preparation of the State party's report. He asked whether, given the varied nature of population movements in Uganda, the State party distinguished between voluntary and forced migration, including irregular migration.

18. **Ms. Dicko** asked for more information on the profile of female Ugandan migrant workers, including their age, professional qualifications and marital status. She enquired whether Ugandans who emigrated abroad were typically highly skilled workers and whether Uganda benefited from the Transfer of Knowledge through Expatriate Nationals (TOKTEN) programme. She asked whether training in the provisions of the Convention was given to public officials, judges, lawyers and law students, and how the general public, Ugandan migrant workers and foreign migrant workers living in Uganda were informed of the rights of migrant workers under the Convention.

19. **Mr. Ceriani Cernadas** requested more information on how the Directorate of Citizenship and Immigration Control addressed migration issues and how it cooperated

with other government bodies, such as the Ministry of Gender, Labour and Social Development and the Human Rights Commission. He said that he would like a more holistic overview of the State party's migration policy and the challenges presented by emigration.

20. He asked for information on consular protection for Ugandan migrant workers, particularly those detained abroad, and specific measures taken by consulates and the Ministry of Foreign Affairs to protect minors. He enquired about programmes to facilitate the reintegration of migrant workers who returned to Uganda, particularly with regard to labour market access and social reintegration, and whether measures were in place to discourage returned migrant workers from leaving Uganda again.

21. **Ms. Castellanos Delgado**, saying that she was concerned about child labour in the State party, asked why children were compelled to work, whether the parents of child workers were in many cases migrant workers residing abroad, and what efforts the Government was making on behalf of children who did not receive an education because they were working. She enquired whether statistics were available on child migrants.

22. She asked whether the State party was taking measures to ensure that Ugandan migrant workers were able to return to Uganda, and whether statistics were available on the return of such workers. She asked whether the State party had concluded bilateral agreements regulating labour migration with other States.

23. **Mr. Nuñez-Melgar Maguiña** asked which aspects of the Convention were given top priority in terms of implementation. He requested more information about consular assistance for migrants, including whether consulates had links with civil society and interacted with local communities, whether they had programmes to promote the rights of Ugandan migrant workers residing abroad, and whether there were Ugandan consulates in border areas. He asked whether bilateral agreements had been concluded with neighbouring countries to address trafficking in persons, particularly women and children, and whether Uganda possessed a legal framework regulating the activities of recruitment agencies. He asked what measures were in place to ensure that migrant workers could enjoy the same rights as nationals from the outset, and how the State party complied with its obligation under the Convention to treat migrant workers and nationals alike.

24. **Mr. El-Borai** asked whether the legal framework outlined in the State party's report was truly compatible with the provisions of the Convention, in particular with regard to migrant workers' rights regarding trade unions and social security, and whether migrant workers were able to transfer part of their earnings to their country of origin.

25. **Mr. Tall** asked whether the phenomenon of child night commuters, who fled their homes every night seeking a safe place to sleep to avoid abduction by members of the Lord's Resistance Army, had been eradicated, and whether information on the issue from alternative sources was up to date.

26. **The Chairperson**, speaking as a member of the Committee, asked whether the Anti-Homosexuality Act adopted by the State party had an impact on migrant workers in Uganda, given that migrant workers were presumably bound by the same laws as the general population. He enquired whether Ugandan migrant workers residing abroad were able to exercise their right to vote and, if not, whether the Government had plans to introduce measures to ensure their enjoyment of that right. He asked what impact outbreaks of violence in certain areas of Uganda — for example, near the Sudanese border — had on the realization of migrant workers' rights under the Convention.

The discussion covered in the summary record ended at 5.25 p.m.